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10/759,501	01/16/2004	Tomomi Takata	CFA00028US	7675

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EXAMINER	
CHIN, RICKY	

ART UNIT	PAPER NUMBER
2623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/759,501	TAKATA ET AL.	
	Examiner	Art Unit	
	RICKY CHIN	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2-15-08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-6 and 9-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6, and 9-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4, 6, 11, and 12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hua et al., US 7,127,120 in view of Wallace, US 2002/0108112.

Regarding claim 1, Hua discloses an information processing method for editing input data, comprising:

an obtaining step of obtaining, from metadata of the data, of two scenes sandwiching a position for a transition clip among all scenes in the data and/or object information indicating objects existing in the two scenes(See col.2 lines 52-56 which discloses that metadata features are extracted);

an extracting step of extracting, (See col.16 lines 17-24 and Fig. 2, 212 which discloses that the transition between two sub-shots is determined based on similarity such as motion, speech, etc. and col.2 lines 52-56 which discloses metadata features are extracted), at least one transition clip from among a plurality clips stored in advance

(Hua, col. 16 lines 37-55 which discloses determining an optimal transition clip from one stored in advance);

a determining step of determining a transition clip to be inserted into the position being sandwiched between the two scenes based on the extracted at least one transition clip (See col.16 lines 17-30 which discloses determining an optimal transition clip from the among provided transition clips being based on similarities);

and a processing step of adding a transition effect to the data by using the transition clip determined at the determining step (See col.16 lines 17-21 which discloses that sub-shots are fused together).

Hua does not explicitly teach of wherein the metadata includes event information indicating a theme or of object information indicating an object existing in the two scenes. However, in the same field of endeavor, Wallace ([0030]-[0032]) discloses thematic/object/event metadata of individual frames or a series of frames. Therefore, it would have been obvious to one of ordinary skill in the art to have combined the teachings of Hua and Wallace as a whole for the mere benefit of possessing expanded metadata which can better characterize sub-shot or frames so that more flexibility is provided to transitions which are based on the similarities may be more appropriately selected.

Regarding claim 4, the combination of Hua and Wallace disclose the information processing method according to claim 1. The combination further teaches of wherein the extracting step comprises a correlation judging step of judging correlation between

the event information and/or object information of metadata included in two scenes sandwiching a position for a transition clip among all scenes in the data (Hua, See col.16 lines 17-24 and Fig. 2, 212 which discloses that the transition between two sub-shots is determined based on similarity such as motion, speech, etc. and col.2 lines 52-56 which discloses metadata features are extracted; Wallace, see [0030]-[0032] discloses thematic/object/event metadata of individual frames or a series of frames), and extracting at least one transition clip corresponding to a transition effect associated with the correlation judged at the correlation judging step (Hua, col.16 lines 17-54).

Regarding claim 6, the combination of Hua and Wallace disclose the information processing method according to claim 1, the combination further teaches of wherein the extracting step comprises: an extracting step of extracting, based on the event information and/or the object information of the two scenes sandwiching position for the transition clip (See analysis of claim 1), at least one transition clip which is unsuitable as a transition clip to be inserted into the position being sandwiched between the two scenes from among the transition clips stored in advance; and a determining step of determining a transition clip to be inserted into the position being sandwiched between the two scenes, from among transition clips stored in advance other than the extracted unsuitable transition clips (See Hua col.16 lines 17-54 which discloses that an optimal transition is inserted from one of the stored in advanced. Therefore, the ones not chosen to be optimal are unsuitable in the current situation and thus not inserted. Furthermore, determining what a 'suitable' or 'unsuitable' transition effect is dependent

on the user. A transition effect deemed 'suitable' for one person may not be considered 'suitable' for another person. Therefore, any transition effect added would be 'unsuitable' and/or 'suitable' depending on the user).

Regarding claim 11, Hua discloses an information processor for editing input data, comprising: an obtaining unit adapted to obtain, from metadata of the data(See Fig.2, 208); an extracting unit adapted to extract, at least one transition clip from among a plurality of transition clips stored in advance(See Fig.2, 208); a determining unit adapted to determine a transition clip to be inserted into the position being sandwiched between the two scenes based on the extracted at least one transition clip (See Fig.2 , 216); and a processing unit adapted to add a transition effect to the data by using the transition clip determined by the determining unit (See Fig.2, 218).

Hua does not explicitly teach of wherein the metadata includes event information indicating a theme or of object information indicating an object existing in the two scenes. However, in the same field of endeavor, Wallace ([0030]-[0032]) discloses thematic/object/event metadata of individual frames or a series of frames. Therefore, it would have been obvious to one of ordinary skill in the art to have combined the teachings of Hua and Wallace as a whole for the mere benefit of possessing expanded categories of metadata which can better characterize sub-shot or frames so that more flexibility is provided to transitions which are based on the similarities may be more appropriately selected.

Regarding claim 12, the combination further teaches of a storage medium storing a control program for allowing a computer to realize the information processing method according to any one of Claims 1,4 to 6, 9 to 10 and 13 to 16 (See Hua, col.4 lines 20-55 which discloses computer readable media).

4. Claims 5, 9, 10, and 13-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hua et al., US 7,127,120 in view of Wallace, US 2002/0108112 as applied to claim 1, and in further view of Moore et al., US 7,102,643.

Regarding claim 5, the combination of Hua and Wallace disclose the information processing method according to claim1. The combination does not teach of wherein the determining step comprises: a displaying step of displaying the at least one transition clip extracted at the extracting step; and a receiving step of receiving an instruction to specify an arbitrary transition clip from the at least one transition clip displayed at the displaying step, the transition clip specified at the receiving step is determined as a transition clip to be inserted into the position being sandwiched between the two scenes. However, Moore discloses an option for being able to display and preview transition clips for selection (See Fig 9(b) and col.10 lines 35-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Hua and Wallace with that of Moore as a whole for the

benefit of being able to visualize the transition before being selected as to satisfy the user and his preferences.

Regarding claim 9, the combination of Hua and Wallace teach the information method according to claim 6. The combination does not teach of wherein the determining step comprises: a displaying step of displaying a plurality of transition clips stored in advance; a receiving step of receiving an instruction to specify an arbitrary transition clip from among the displayed transition clips stored in advance. However, Moore (Fig 9(b) and col.10 lines 35-55) discloses being able to display and preview transition clips for selection; and an error displaying step of displaying an error message when the transition clip specified at the receiving step is the unsuitable transition clip extracted in the extracting step. Official notice is taken by the examiner to note that error message displaying is notoriously well-known in the art and would have been obvious to have displayed an error message if the transition clip deemed as optimal was not the clip specified at the receiving step so that the user could be better acknowledged.

Regarding claim 10, the combination of Hua and Wallace disclose the information processing method according to claim 1, wherein the extracting step comprises; a calculating step of calculating suitability of each transition clip stored in advance, as a transition clip to be inserted into the position being sandwiched between the two scenes; and wherein the determination step comprises (Hua, col.16 lines 17-54). The combination does not explicitly teach of a displaying step of displaying the at least one

transition clip extracted at the extracting step in decreasing order of suitability calculated at the calculating step; and a receiving step of receiving an instruction to specify an arbitrary transition clip from the at least one transition clips displayed at the displaying step However, Moore (Fig 9(b) and col.10 lines 35-55) discloses being able to display and preview transition clips for selection . Furthermore, determining what a 'suitable' or 'unsuitable' transition effect is dependent on the user. A transition effect deemed 'suitable' for one person may not be considered 'suitable' for another person. Therefore, any transition effect added would be 'unsuitable' and/or 'suitable' depending on the user. Thus, determining a transition clip based on similarity as Hua discloses can be deemed as calculating 'suitability'. Moore illustrates an option for being able to display and preview transition clips. (See Fig 9(b) and col 10 lines 35-55). In this case, any order of display could be regarded as decreasing order of 'suitability' since there is no way to differentiate any 'order'. Therefore, the combined teachings of Hua, Wallace and Moore would have rendered the above claim obvious to one of ordinary skill in the art.

Regarding claim 13, Hua and Wallace disclose the information processing method according to Claim 1 and of wherein the extracting step comprises; a correlation obtaining step of obtaining correlation of the two scenes (See Hua, col.16 lines 17-54) based on the event information and/or the object information obtained at the obtaining step (Wallace, [0030]-[0032] discloses thematic/object/event metadata of individual frames or a series of frames); an impression and/or effect obtaining step of obtaining a first impression and/or effect information indicating an impression and/or an effect

meant to be given to an audience by the transition clip to be inserted between the two scenes having the correlation, the first impression and/or effect corresponding to the correlation obtained at the correlation obtaining step (See Moore, col.8 lines 3-38 which discloses transitions of feeling such as funny, elegant etc. Furthermore, comparing similarities such as an event in between sub shots would inherently have an impression associated with it. For example, an event of a wedding would have its own effect on an audience. Therefore, any event transition could be construed as having an impression as to effect the audience); and a transition clip extracting step of extracting at least one transition clip from among transition clips stored in advance, by comparing a second impression and/or effect information associated with a transition clip and the first impression and/or effect information obtained at the impression and/or effect obtaining step (Since Hua col.16 lines 17-54 discloses that a transition used is based on similarities of the two sub shots and Wallace in [0030]-[0032] discloses metadata such as event data, an event such. Therefore, since the transition clip used is based on similarities such as event metadata, and all event data can be construed as having an impression effect on the audience, the transition clip used for insertion which is based on the event metadata of the sub shots would also possess the impression effect of the event metadata. Furthermore, Moore (col.8 lines 3-38) discloses transitions possessing feeling such as funny, elegant, etc.

Regarding claim 14, the combination teaches the information processing method according to Claim 13, the combination further teaches of wherein the correlation obtaining step obtains the correlation between the two scenes from a correlation

storage unit storing in advance correlation between each event information and/or each object information (See Wallace [0029] and [0035] which discloses that the metadata can be stored in a structured file separate from the work itself, and utilized in isolation from or in the combination of the work).

Regarding claim 15, the combination discloses the information processing method according to Claim 13, the combination further discloses wherein the impression and/or effect information obtaining step obtains the first impression and/or effect information from the impression and/or effect storage unit storing, in an associated manner, the correlation between the two scenes sandwiching the transition clip and the impression and/or effect meant to be given to an audience by the transition clip to be inserted between the two scenes having the correlation (See analysis of claim 13 and 14 which states that any event will portray some instance of effect or impression onto the audience and that metadata can be stored in a structured file separate from the work and utilized in isolation from or in the combination of the work. Therefore, the transition clip inserted will be based on similarities of such event data and effect/impression expressed by such event data onto an audience as described in Hua, col. 16 lines 17-54).

Regarding claim 16, the combination discloses the information processing method according to Claim 13, the combination further discloses wherein the second impression and/or effect information is associated with the transition clip by an additional information storage unit storing information on impression and/or effect meant to be given to the audience by each transition clip (See Moore, col.8 lines 3-38 which

discloses storing additional sets of effects in which the matrices can be used to store categorized sets of effects such as feeling, funny, flashy, elegant, etc. and being able to display and preview before selection)

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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